



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Araki *et al.*

Serial No. 09/943,054

Filed: August 30, 2001

Entitled: IMMUNOPOTENTIATING AND
INFECTION PROTECTION AGENT
AND PRODUCTION THEREOF

Group Art Unit: 1614

Examiner: Weddington, K.

Attorney Docket: 109536.161 US1

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. § 1.8

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**TERMINAL DISCLAIMER WITH RESPECT TO A PRIOR PATENT
PURSUANT TO 37 C.F.R. § 1.321**

Eisai Co., Ltd. certifies that it is the owner of the entire right, title and interest in Application No. 09/943,054 filed August 30, 2001, entitled "Immunopotentiating and Infection Protective Agent and Production Thereof" (hereafter the "above-identified application") by virtue of an assignment recorded in the U.S. Patent and Trademark Office on March 14, 1994, at Reel 006977, Frame 0402.

Eisai Co., Ltd. certifies that it is the owner of the entire right, title and interest in Application No. 420,632 filed April 12, 1995, entitled "Immunopotentiating and Infection Protective Agent and Production Thereof" which issued as U.S. Patent No. 5,814,632 on September 29, 1998, by virtue of an assignment recorded in the U.S. Patent and Trademark Office on March 14, 1994, at Reel 006977, Frame 0402.

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Pursuant to 37 C.F.R. § 1.321 Eisai Co., Ltd. hereby disclaims, except as provided below, the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of the full statutory term, of US Patent No. 5,814,632. Eisai Co., Ltd. hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,814,632; this agreement to run with any patent granted on the above identified application and to be binding upon the grantee, its successors or assigns.

Eisai Co. Ltd. does not disclaim the terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 5,814,632, in the event that U.S. 5,814,632 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by an terminal disclaimer, except for the separation of legal title as stated above.

Pursuant to 37 C.F.R. § 1.321(b)(1)(iv) this Terminal Disclaimer is signed by an attorney of record.

By: Hollie L. Baker Date: November 2, 2004

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